

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MONTENEQUE NAKIA KNOX,

Petitioner,

vs.

GREGORY SMITH, *et al.*,

Respondents.

3:09-cv-0502-RCJ-RAM

**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. By order filed September 18, 2009, this action was dismissed without prejudice for failure to exhaust state court remedies. (Docket #3). Judgment was entered on September 21, 2009. (Docket #5).

Recently, on April 2, 2010, petitioner submitted a request for submission and filed a copy of his habeas petition. (Docket #6 and #7). Petitioner is informed that this action is closed. No further documents shall be filed in this closed action. To the extent petitioner has exhausted state court remedies and wishes to bring a federal habeas petition, he may file a petition as a new action, but may not proceed in this closed action. Furthermore, the petition filed April 2, 2010, in this action, shall be stricken.

**IT IS THEREFORE ORDERED** that the Clerk of Court **SHALL SEND** petitioner a copy of the Court's order filed September 18, 2009 (Docket #3) and a copy of the judgment entered on September 21, 2009 (Docket #5).

**IT IS FURTHER ORDERED** that, if petitioner has exhausted state court remedies and wishes to bring a federal habeas petition, **he may file a petition as a new action, but may not proceed in this closed action.**

DATED this 31<sup>st</sup> day of April, 2010.

2